

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION

CARL PORTER

PLAINTIFF

V.

CIVIL ACTION NO. 4:19-CV-00049-RP

GLORIA CARTER,  
C.O. VICTORIA ECKFORD, and  
C.O. HONEYCUT

DEFENDANTS

ORDER DISMISSING CASE WITHOUT PREJUDICE

On August 23, 2019, the Court entered an opinion and order allowing this case to proceed against certain defendants. Doc. #s 13, 14. On January 31, 2020, Plaintiff submitted his proposed witness list. Doc. #42. That same date, Plaintiff moved for the production of electronically stored information and other documents, which the Court granted in part and denied in part on February 24, 2020. Doc. #s 38, 54.

Since that time, Plaintiff has taken no further action to prosecute the instant case. In fact, the Court has entered various orders regarding the management of the case about which Plaintiff has failed to return the acknowledgements of receipt sent to him. *See* Doc. #s 60, 62, 63. Thus, on October 1, 2020, the Court entered an Order directing Plaintiff to show cause within twenty-one (21) days why his case should not be involuntarily dismissed pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute. Doc. # 65. Plaintiff, however, failed to respond, and the deadline for doing so has passed.<sup>1</sup> Accordingly, the court finds that Plaintiff's complaint should be **DISMISSED without prejudice**.

**SO ORDERED**, this the 2nd day of November, 2020.

/s/ Roy Percy  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> While Plaintiff did not respond to the Show Cause Order, he did send the Court a signed Acknowledgement of Receipt, confirming that he had received the aforementioned order on October 5, 2020. *See* Doc. # 66.